

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On February 10, 1921, the Sears & Nichols Canning Co. having entered an appearance as claimant for the property, having admitted that a portion of the said product was adulterated but denying responsibility therefor, having averred that the bottles, screw caps, boxes, and fillers were valuable and could be salvaged and that a part of the product could be re-processed and made fit for food and praying permission to salvage said parts and re-process said portion of the product under the direction of the Department of Agriculture, and having agreed to enter into a satisfactory bond to secure compliance with such condition, it was ordered by the court that the product be released to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned that the said product be examined and disposed of under the direction of this department.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**9856. Misbranding of Naphtholene. U. S. \* \* \* v. 36 Bottles \* \* \* of \* \* \* Naphtholene. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14141. I. S. No. 3977-t. S. No. C-2671.)**

On January 5, 1921, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 36 bottles, more or less, of Naphtholene, remaining in the original unbroken packages at Higginsville, Mo., alleging that the article had been shipped by Dr. E. E. Sonnanstine, La Junta, Colo., on or about May 27, 1920, and transported from the State of Colorado into the State of Missouri, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Bottle) "The Great Remedy for Rheumatism, Neuralgia, Lumbago, Goiter, Tumor, Catarrh, Hay Fever, Diphtheria, Croup, Grip, Diabetis, Lung Diseases, Appendicitis, \* \* \* Kidney Diseases \* \* \* Pleurisy, Pneumonia, Eczema, Salt Rheum, Bronchitis, Asthma, Scrofula, Toothache, Earache, and all skin diseases; all diseases of Germ or Parasitic origin; and all Diseases from inflammation from any cause \* \* \*"; (circular) "\* \* \* This remedy, \* \* \* destroys the superabundance of germs \* \* \* thereby removing the cause of the disease. There are hundreds \* \* \* who have been cured of lung disease by using Naphtholine \* \* \* What for others it will do, why not do the same for you? Rheumatism \* \* \* Acute, and Articular \* \* \* Inflammatory Rheumatism \* \* \* Sciatica, or Nervous Rheumatism \* \* \* Neuralgia \* \* \* Lumbago \* \* \* Cancer \* \* \* Goiter \* \* \* Tumor \* \* \* Catarrh \* \* \* Earache and Deafness \* \* \* Hay Fever \* \* \* Diphtheria \* \* \* Use it freely \* \* \* and prevent the spread of the disease. Croup \* \* \* La Grippe \* \* \* Influenza \* \* \* Toothache \* \* \* Stomach Diseases For any and all diseases of the stomach, \* \* \* Cures indigestion and overcomes constipation. Its use has entirely cured Piles, Hemorrhoids. \* \* \* Lung Diseases \* \* \* Kidney Diseases \* \* \* Bright's disease \* \* \* Pleurisy \* \* \* Use internally for several days \* \* \* to prevent return \* \* \* Worms \* \* \* of any kind are killed and dissolved and pass with the stools \* \* \* Pneumonia \* \* \* Eczema \* \* \* salt rheum, erysipelas, ring worm, tetter, scrofula or syphilis and barber's itch, \* \* \* all skin diseases \* \* \* Appendicitis \* \* \* Asthma and Throat

Troubles \* \* \* Painful Menstruation \* \* \*"; (carton) " \* \* \* For Rheumatism, Neuralgia, Lumbago, Goitre, Tumor, Catarrh, Hay Fever, Diphtheria, Croup, Grip, Diabetes, Lung Diseases, Appendicitis, \* \* \* Kidney Diseases, \* \* \* Pleurisy, Pneumonia, Eczema, Asthma, Salt Rheum, Bronchitis, Scrofula, Toothache, Earache, and all Skin Diseases. All Diseases of Germ or Parasite Origin: and All Diseases from Inflammation from Any Cause \* \* \*"

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained gasoline, kerosene, and a small amount of resin of red pepper.

Misbranding of the article was alleged in substance in the libel for the reason that the above-quoted statements appearing in the labels on the bottles and cartons containing the said article and in the accompanying circular, regarding the curative and therapeutic effect thereof, were false and fraudulent in that the said article did not contain any ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed.

On February 12, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**9857. Adulteration and misbranding of cayenne pepper. U. S. \* \* \* v. 3 Barrels of Cayenne Pepper. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 14156. I. S. No. 3671-t. S. No. C-2663.)**

On January 6, 1921, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 3 barrels of cayenne pepper, remaining unsold in the original unbroken packages at St. Louis, Mo., in possession of the James H. Forbes Tea & Coffee Co., St. Louis, Mo., alleging that the article had been reshipped by the consignee thereof from Indianapolis, Ind., on or about September 21, 1920, and transported from the State of Indiana into the State of Missouri, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, (barrel) "Packed by James H. Forbes Tea & Coffee Co., St. Louis, Mo. \* \* \* F. F. Cayenne."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained sand.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy and decomposed vegetable substance.

Misbranding was alleged in substance for the reason that the statement on the label, to wit, "Cayenne," was false and misleading and deceived the purchaser into the belief that the product consisted wholly of pepper, whereas it contained another article.

On June 21, 1921, the James H. Forbes Tea & Coffee Co., St. Louis, Mo., claimant, having admitted the allegations in the libel and having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that the said product be not used for human consumption.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*